IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4604 OF 2006

Shivkumar Rajaram Patil ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. P.D. Dalvi with Mr. S.V. Sadavarte for applicant.
Mrs.M.H. Mhatre, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 16, 2007.

P.C.:

1. Heard Mr. Dalvi the learned counsel for the applicant and Mrs. Mhatre, the learned APP for State.

2. The applicant is an accused in C.R. No.20 of 2004 (S.C.C. No.93/04 before the Judicial Magistrate, First Class, Radhanagari) for the offence punishable under Section 353 of IPC and on receiving the summons he remained absent before the learned JMFC. Consequently, non-bailable warrant was issued and it came to be cancelled on payment of penalty of Rs.200/-. Thereafter again he remained absent and non-bailable warrant was issued for the second time.

The applicant submitted an application for bail before the learned JMFC and the same came to be rejected on 6/12/2006. He approached the Sessions Court and the learned Ad-hoc Sessions Judge-4, Kolhapur was pleased to reject the application for bail vide his order dated 16/12/2006. Hence, this application for regular bail.

3. Though the applicant had undertaken to remain present in future on each date before the trial court and furnish a solvent surety, the learned Ad-hoc Sessions Judge did not consider it appropriate to release the applicant on bail on the ground that even after imposition of penalty of Rs.200/- the applicant had remained absent and, therefore, second time non-bailable warrant was issued against him. The Sessions Court, therefore, noted the applicant had jumped the bail twice and if granted bail, trial would be prolonged.

4. Undoubtedly, the charge-sheet has been filed on completion of the investigation and it is not known as to when the trial would commence in Summary

Criminal Case No.93 of 2004 pending before the learned JMFC, Radhanagari. Mr. Dalvi the learned counsel for the applicant has stated that the applicant is ready to furnish a solvent surety and also to undertake that he would attend to the case on each date fixed by the trial court and will not leave the place of his residence unless intimated to the concerned police station. I am, therefore, satisfied that this is a fit case for the applicant being released on bail.

5. Hence, the application is allowed and it is directed that the applicant be released on bail forthwith on furnishing a PR bond in the sum of Rs.3000/- with one solvent surety for the like amount and on the condition that he will not leave his place of residence without intimating to the concerned police station. The applicant shall remain present before the trial court on each date fixed in S.C.C. No.93 of 2004.

(B.H. Marlapalle,J.)